

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

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IN RE APPLE REITs LITIGATION)
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No. 11-cv-02919-KAM-JO

**THE APPLE REITs' NOTICE OF MOTION AND
MOTION TO DISMISS THE CONSOLIDATED COMPLAINT**

PLEASE TAKE NOTICE that upon the Apple REITs' Memorandum of Law in Support of Their Motion to Dismiss the Consolidated Complaint, the declaration of Elizabeth F. Edwards and all exhibits thereto, and all pleadings and proceedings in this action, Defendants Apple REIT Six, Inc., Apple REIT Seven, Inc., Apple REIT Eight, Inc., Apple REIT Nine, Inc., and Apple REIT Ten, Inc. (collectively, the "Apple REITs") will move the Court before the Honorable Kiyo A. Matsumoto at the United States District Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, 11201 for an order pursuant to Rules 12(b)(6), 9(b) and 8 of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4 granting the Apple REITs' Motion to Dismiss the Consolidated Complaint in its entirety for failure to state a claim on which relief can be granted.

Dated: April 18, 2012

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2012, the foregoing document was served on the following via e-mail:

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